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UNITED STATES OF AMERICA

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA
WESTERN DIVISION

UNITED STATES OF AMERICA,)	No. CV 11-2257-DMG(JCGx)
)	
Plaintiff,)	
)	
v.)	CONSENT JUDGMENT OF FORFEITURE
)	
\$720,779.00 IN U.S.)	
CURRENCY,)	
)	
Defendant.)	
)	
BAO CONG PHAN,)	
)	
Claimant.)	
)	

On or about March 16, 2011, Plaintiff United States of America ("the government," "the United States of America" or "plaintiff") filed a Complaint for Forfeiture alleging that the defendant \$720,779.00 in U.S. Currency (the "defendant currency") is subject

1 to forfeiture pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C.
2 § 881(a)(6).

3 Claimant Bao Cong Phan ("claimant") filed a claim to the
4 defendant currency on or about April 19, 2011 and an answer to the
5 Complaint on or about June 30, 2011. No other parties have
6 appeared in this case and the time for filing claims and answers
7 has expired.

8 The government and claimant have now agreed to settle this
9 action and to avoid further litigation by entering into this
10 Consent Judgment of Forfeiture.

11 The Court, having been duly advised of and having considered
12 the matter, and based upon the mutual consent of the parties
13 hereto,

14 IT IS HEREBY ORDERED, ADJUDGED, AND DECREED:

15 1. This Court has jurisdiction over the subject matter of
16 this action and the parties to this Consent Judgment of Forfeiture.

17 2. The Complaint for Forfeiture states a claim for relief
18 pursuant to 18 U.S.C. § 981(a)(1)(C) and 21 U.S.C. § 881(a)(6).

19 3. Notice of this action has been given as required by law.
20 No appearances have been made in the litigation by any person other
21 than claimant. The Court deems that all other potential claimants
22 admit the allegations of the Complaint for Forfeiture to be true.

23 4. The sum of \$8,000.00 only (without interest), less any
24 debts or other amounts owed by claimant or his attorney of record
25 in this case which the United States of America is entitled to
26
27
28

1 offset pursuant to 31 U.S.C. § 3716,¹ shall be returned to
2 claimant. The remainder of the defendant currency (i.e.,
3 \$712,779.00), plus the interest earned by the United States of
4 America on the defendant currency, shall be condemned and forfeited
5 to the United States of America, which shall dispose of those funds
6 in accordance with law.

7 5. The funds to be returned to claimant pursuant to
8 paragraph 4 above shall be paid to claimant by electronic transfer
9 directly into the client trust account of Ronald Richards, Esq.,
10 attorney of record for claimant in this case. Claimant (through
11 his attorney of record Ronald Richards, Esq.) shall provide all
12 information and complete all documents requested by the United
13 States of America in order for the United States of America to
14 complete the transfer and determine the government's right to any
15 offset pursuant to 31 U.S.C. § 3716 including, without limitation,
16 providing claimant's social security and taxpayer identification
17 numbers (if any), claimant's attorney of record's taxpayer
18 identification number, and the identity of the bank, the bank's
19 address and the account name, account number, account type and wire
20 transfer routing number for the Ronald Richards client trust
21 account to which the transfer of funds is to be made.

22 / / /

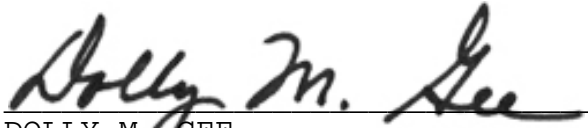
23 ¹31 U.S.C. § 3716, the Debt Collection Improvement Act of 1996
24 requires the United States of America to offset from its payments
25 delinquent non-tax debts owed to the United States of America and
26 delinquent debts owed to States, including past-due child support
27 enforced by States. For purposes of determining an offset pursuant
28 to 31 U.S.C. § 3716, one-half of the \$8,000.00 returned amount (i.e.,
\$4,000.00) shall be deemed to constitute attorney fees belonging to
claimant's attorney of record in this case (i.e., the Law Offices of
Ronald Richards & Associates, A.P.C.), while the remaining one-half
of the \$8,000.00 returned amount (i.e., \$4,000.00) shall be deemed to
belong to claimant.

1 6. Claimant hereby releases the United States of America,
2 its agencies, agents, officers, employees and representatives,
3 including, without limitation, all agents, officers, employees and
4 representatives of the Drug Enforcement Administration and the
5 Department of Justice and their respective agencies, as well as all
6 agents, officers, employees and representatives of any state or
7 local governmental or law enforcement agency involved in the
8 investigation or prosecution of this matter, from any and all
9 claims, actions, or liabilities arising out of or related to this
10 action, including, without limitation, any claim for attorney fees,
11 costs, and interest, which may be asserted by or on behalf of
12 claimant, whether pursuant to 28 U.S.C. § 2465 or otherwise.

13 7. The Court finds that there was reasonable cause for the
14 seizure of the defendant currency and institution of these
15 proceedings. This judgment shall be construed as a certificate of
16 reasonable cause pursuant to 28 U.S.C. § 2465.

17 8. The Court further finds that claimant did not
18 substantially prevail in this action, and the parties hereto shall
19 bear their own attorney fees and costs.

20
21 DATED: February 27, 2012

22
23 
24 DOLLY M. GEE
UNITED STATES DISTRICT JUDGE

CONSENT

The parties hereto consent to the above judgment and waive any right of appeal.

DATED: February 21, 2012

ANDRÉ BIROTTE JR.
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ROBERT E. DUGDALE
Assistant United States Attorney
Chief, Criminal Division
STEVEN R. WELK
Assistant United States Attorney
Chief, Asset Forfeiture Section

/s/ Victor A. Rodgers
VICTOR A. RODGERS
Assistant United States Attorney

Attorneys for Plaintiff
UNITED STATES OF AMERICA

DATED: February 21, 2012

LAW OFFICES OF RONALD RICHARDS &
ASSOCIATES, A.P.C.

/s/ Ronald Richards
RONALD RICHARDS
NICHOLAS BRAVO

Attorneys for Claimant
BAO CONG PHAN